

June 20, 2006 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06PR0363

Kroger Mid-Atlantic
(Kroger Fuel Center)

Clover Hill Magisterial District
Northeast Quadrant of Hull Street Road and Hicks Road

REQUEST: Site plan approval as required by conditions of zoning.

RECOMMENDATION

Staff recommends the applicant request a sixty (60) day deferral of this request for the following reason:

Ordinance requirements for an architecturally significant building and tower element at the northeast corner of the intersection of Hicks Road and Route 360 have not been addressed. Section 19-585.5, paragraph 5, states that the building shall either incorporate, or have adjacent to it, a bell or clock tower or vertical element or the site plan shall provide for dedication of space for construction of this vertical element by others.

The applicant has indicated a desire to dedicate space for the construction of the tower by others. If the applicant submits additional information regarding this requirement prior to the hearing, an addendum may be provided updating staff's recommendation. Reference the background portion of this report for further discussion of this issue.

GENERAL INFORMATION

Associated Public Hearing Cases:

96SN0228 – Development Options, Inc. and Boney Wilson & Sons, Inc.
97PR0294 – Hannaford Bros. Co.

Developer:

Kroger Mid-Atlantic

Location:

Fronting approximately sixty-seven (67) feet on the north line of Hull Street Road, also fronting approximately 550 feet on the east side of Hicks Road and located in the northeast quadrant of the intersection of these roads. Tax ID 759-692-2165 (Sheet 11).

Existing Zoning and Land Use:

C-3; Vacant

Size:

2.3 acres

Adjacent Zoning and Land Use:

North - C-3; Commercial
East - C-3; Residence
West - C-3; Residence
South - C-2; Commercial

BACKGROUND

This site plan is required to be submitted to the Planning Commission for review and approval by condition 13 of case 96SN0228.

Route 360 Corridor East Standards:

Compliance with the Route 360 Corridor East, corridor focus standards is required. With the exception of Section 19-585.5, paragraph 5, pertaining to provisions for an architecturally significant building at the northeast corner of the intersection of Hicks Road and Route 360, the applicant has demonstrated compliance with required landscaping, sidewalks, street trees and street lights pursuant to Sec. 19-585.5. Many of these required features were provided with the development of the existing Kroger (Site plan 97PR0294 – Hannaford Bros. Co.). Construction of the proposed Fuel Center will maintain and/or replace existing walks, trees and lights as needed to comply with ordinance standards and to accommodate the new development.

As noted above, the Route 360 corridor east standards require an architecturally significant building with a bell or clock tower or vertical element located at the northeast corner of intersection of Hicks Road and Route 360:

Sec. 19-585.5. Route 360 corridor east: corridor focus; between Hicks Road, Route 360 and the proposed loop road.

- (5) At the northeast corner of the intersection of Hicks Road and Route 360, an architecturally significant building shall be constructed. The building shall either incorporate, or have adjacent to it, a bell or clock tower or vertical element that has height of at least 50 feet, or the site plan shall provide for dedication of space for construction of a minimum 50 foot clock or bell tower by others. Such element shall be located within 25 feet of Route 360. There shall be no signs permitted on the tower or vertical element.

In lieu of constructing the vertical element, the applicant may provide for dedication of space for the construction of the clock or bell tower by others. It must be noted that the existing overhead power lines along Route 360 are in conflict with the stipulation that the vertical element be located within 25 feet of Route 360. Also, the narrow configuration of the parcel controlled by the applicant at the intersection of Route 360 and Hicks Road is not conducive to development of the building, tower, and associated site improvements (such as parking and required setbacks). Given the narrow configuration of the parcel and the conflict with overhead power lines, staff would support the dedication of space on this parcel for the vertical element, but in a location that is not in conflict with existing utilities.

Architecture:

The applicant has submitted architectural elevations with materials and colors specified to match the existing Kroger building. Staff recommends approval of the architectural elevations for the proposed gas canopy and building.

CONCLUSIONS

Staff recommends deferral of this request to allow the applicant time to address the outstanding issues noted herein.



06PR0363

 KROGER FUEL CENTER



- 1) THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL SURVEY CONDUCTED BY VANASSE HANGEN BRUSTLIN, INC. IN FEBRUARY OF 2008.
- 2) THE EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL SURVEY CONDUCTED BY VANASSE HANGEN BRUSTLIN, INC. IN FEBRUARY OF 2008.
- 3) THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED ON FIELD OBSERVATIONS AND SITE PLAN. IT IS WARRANTED THAT ALL UTILITIES SHOWN ON THIS PLAN ARE THE EXACTLY LOCATED UTILITIES. IT IS NOT WARRANTED THAT ALL UNDERGROUND UTILITIES OR OTHER STRUCTURES ARE SHOWN ON THIS PLAN.
- 4) HORIZONTAL DATUM IS BASED ON NAD83. NORTH SOUTHERN DISTRICT, AND 1983. ELEVATIONS SHOWN ON THIS PLAN REFER TO THE MEAN OF 1928.
- 5) THE PANELS LIES ENTIRELY WITHIN ZONE C (AREA OF MANGLA FLOODING) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA. THE PANELS LIES WITHIN ZONE C AND IS EFFECTIVE DATE MARCH 16, 1983.

BERNARD M. & NANCY K. SNEAD
8260 HULL STREET ROAD
DB 2091, PG 296
CPIN 759-892-6088-00000

BONEY WILSON & SONS, INC
2807 HICKS ROAD
DB 3880, PG 822
PB 112, PG 32
GPIN 758-692-7262-00000

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

The graphic scale bar is a horizontal line with alternating black and white segments. It is marked with numbers 0, 4, 8, 12, 16, 20, and 24. Below the bar, the text "(IN FEET)" and "1 inch = 20 ft." is printed.

[illegible]

Chesterfield, Virginia

Drawing Number: **Sv-1**
 Sheet: **1** of **1**
 Project Number: **007193012**
 COMMUNITY OF VIRGINIA
 DAVID F. FUGH
 NO. 2251
 03-27-89
 LAND SURVEYOR

\\vachiva\projects\32750.00\CAO\SR\PLANSET\32750.SDS.DWG

GRADING NOTES:
1) FINISH GRADE SHALL BE PROVIDED ACCORDING TO THE NOTES ON THIS SHEET. THE SHOWN GRADE SHALL BE PROVIDED ON THIS SHEET. THE SHOWN GRADE SHALL BE PROVIDED ON THIS SHEET. THE SHOWN GRADE SHALL BE PROVIDED ON THIS SHEET.

VHB
Vannest Langen Brustlin, Inc.
Transportation
Land Development
Environmental Services
115 South 14th Street, Suite 200
Richmond, Virginia 23219
804-343-7100 • FAX 804-343-7113



GRADING DETAIL
N.T.S.



12201 South Chalkley Road
Chesapeake, Virginia 23061
804-748-6171 • FAX 804-748-7111



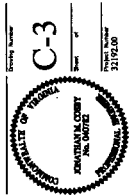
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NO.	DATE	DESCRIPTION	BY	CHKD.
1	06/25/04	REVISED

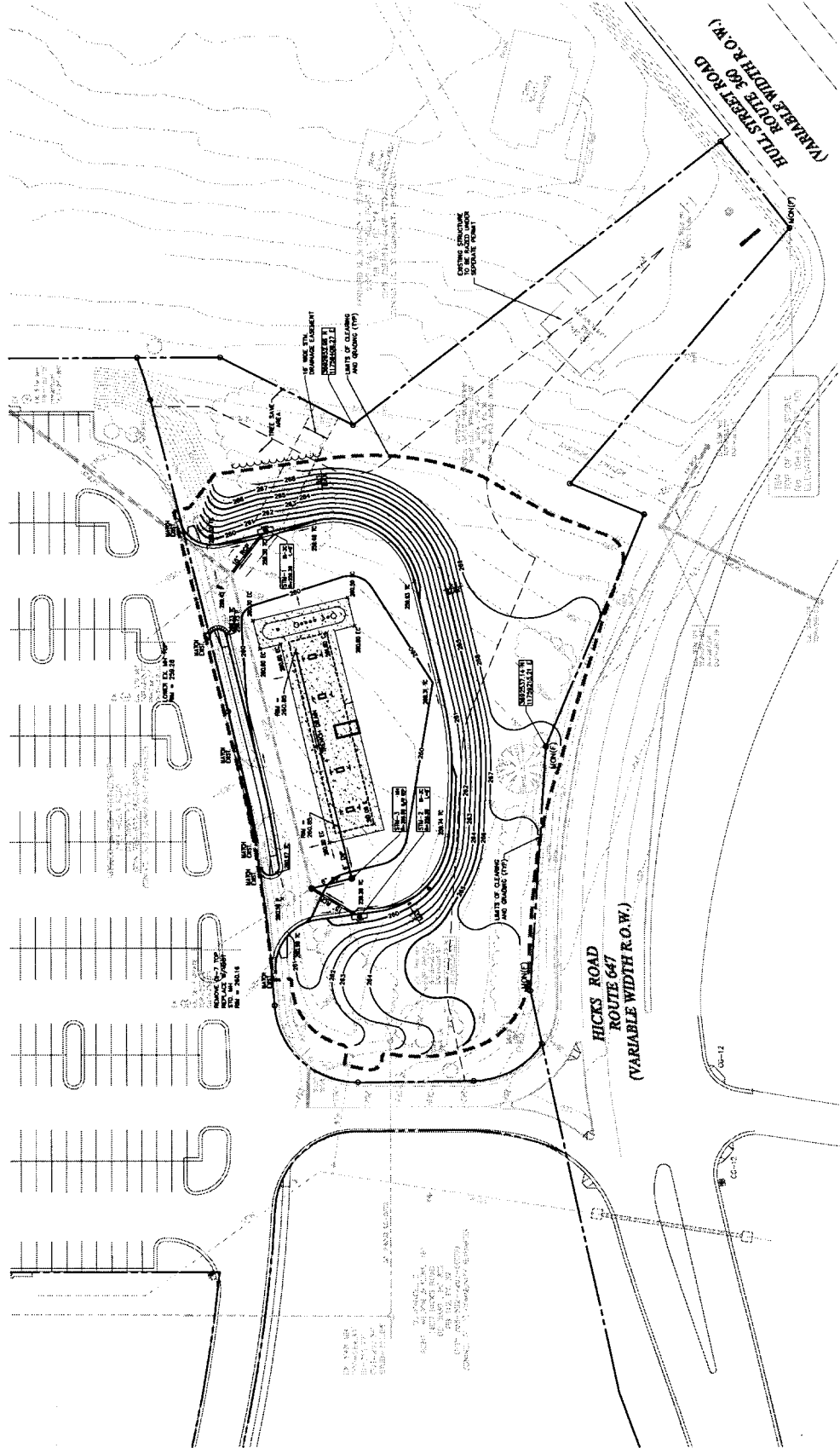
Prepared by: ...
Checked by: ...
Date: March 28, 2006
Project No.: ...
Sheet No.: ...
Kroger R-501 Fuel Center
8268 Hill Street Road
Chesapeake, Virginia
Clover Hill Magisterial District
County Review

Not Approved for Construction

Grading and
Drainage Plan



Checked by: ...
Checked by: ...
Checked by: ...



HICKS ROAD
ROUTE 647
(VARIABLE WIDTH R.O.W.)

HILL STREET ROAD
(VARIABLE WIDTH R.O.W.)

Transportation
and Development
Environmental Services
1115 South 15th Street, Suite 200
Richmond, Virginia 23219
804-343-7100 • FAX 804-343-1713



11201 South Chalkley Road
Chester, Virginia 23831
804-748-6612 FAX 804-748-7811



A horizontal scale bar labeled "SCALE IN FEET" with markings at 0, 30, and 60.

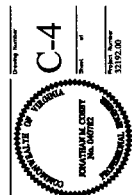
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Kroger R-501 Fuel Center
3268 Hull Street Road
Chesterfield County, Virginia
Clover Hill Magisterial District

County Review

Not Approved for Construction

Utility Plan



Donnerfeld Co. Sales Price No. 05200061
 05 2012
 321925C-U7.0 MC

Item	Unit	Quantity
1" CLASS 90°	LF	60
8" Ø	LF	50
4" TRENCH DRAIN	LF	211
5" Ø 0.0.7 STD D-S	EACH	2
MOODY EX. STR. PHOSPH. V.D.G.T. STD. MH	EACH	2
UNLIMATED SPOILER MH (SEE DETAIL SPT. XX)	EACH	1

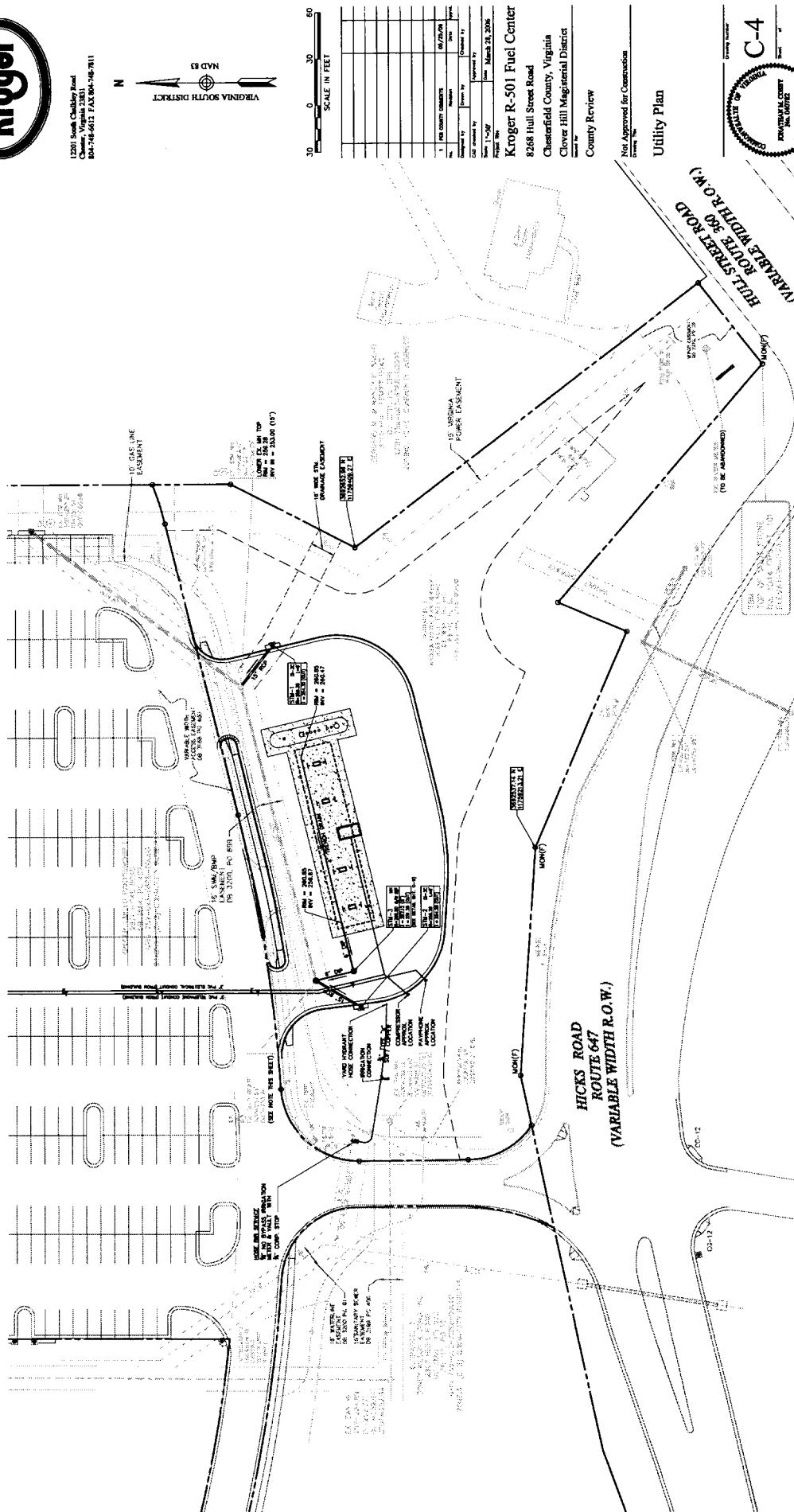
No.	Description	Length	Slope	Inlet Elev.	Top EL	Remarks
STW-1	10'-30" (0-4')			254.25 (15)	254.28	PHOSPHATE STW, STW-1
TO EX. 14.15' CL. 0.8'		33.1'	2.11%			
TO EX. 14.15' CL. 0.8'				253.14 (15)	254.0	PHOSPHATE STW, STW-2 BOTTOM 253.70
TO EX. 54' 8" 0.8'		25.11'	4.79%			
TO EX. 51' 10" 0.8'				254.30 (15)	254.30	PHOSPHATE STW, STW-3
TO EX. 51' 10" 0.8'		33.1'	3.04%			
TO EX. 51' 10" 0.8'				253.02 (15)	253.28	PHOSPHATE STW, STW-4
TO EX. 51' 10" 0.8'				253.02 (15)	253.28	PHOSPHATE STW, STW-5

EX. SILOM STRUCTURE 2A
REMOVE EX. 2A-7 GRATE
RAISE RIM TO ELEV. = 200.18
REPLACE W/ V.D.O.T. STD. HW FRAME AND TOP
HW IN = 253.94 (15")
HW IN = 253.85 (6" TOP)
EX. HW OUT = 253.28 (15")

4" TRENCH DRAIN
PROVIDE 4" WIDE ACO KLASSEK DRAIN OR APPROVED EQUIVALENT
WITH CLASS E DUCTILE IRON SLOTTED GRATE.
L = 11'
BOTTOM SLOPE = 0.005
GRADE 4" DIO CONNECTION AT OTHER END TO 16" WATER SEWER.

Item	Unit	Quantity
3/8" NO BYPASS REGISTRATION MATERN & VALVE	EACH	1
3/4" CORR STOP	EACH	1
3/4" TYP 3" SOFT COPPER	LF	100
YARD HYDRANT (HOSE CONNECTION)	EACH	1

1) CONTRACTOR SHALL DETERMINE ACTUAL QUANTITIES.



06PRO363-4

VHB

Vannoy Hanger Brustin, Inc.
 Transportation
 Land Development
 Environmental Services
 115 South 100 Street, Suite 200
 Salt Lake City, UT 84111
 801-467-1100 • FAX 801-467-1111



12201 South Oakley Road
 Channahon, Illinois 61311
 815-464-1111 • FAX 815-464-1111



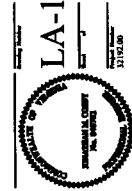
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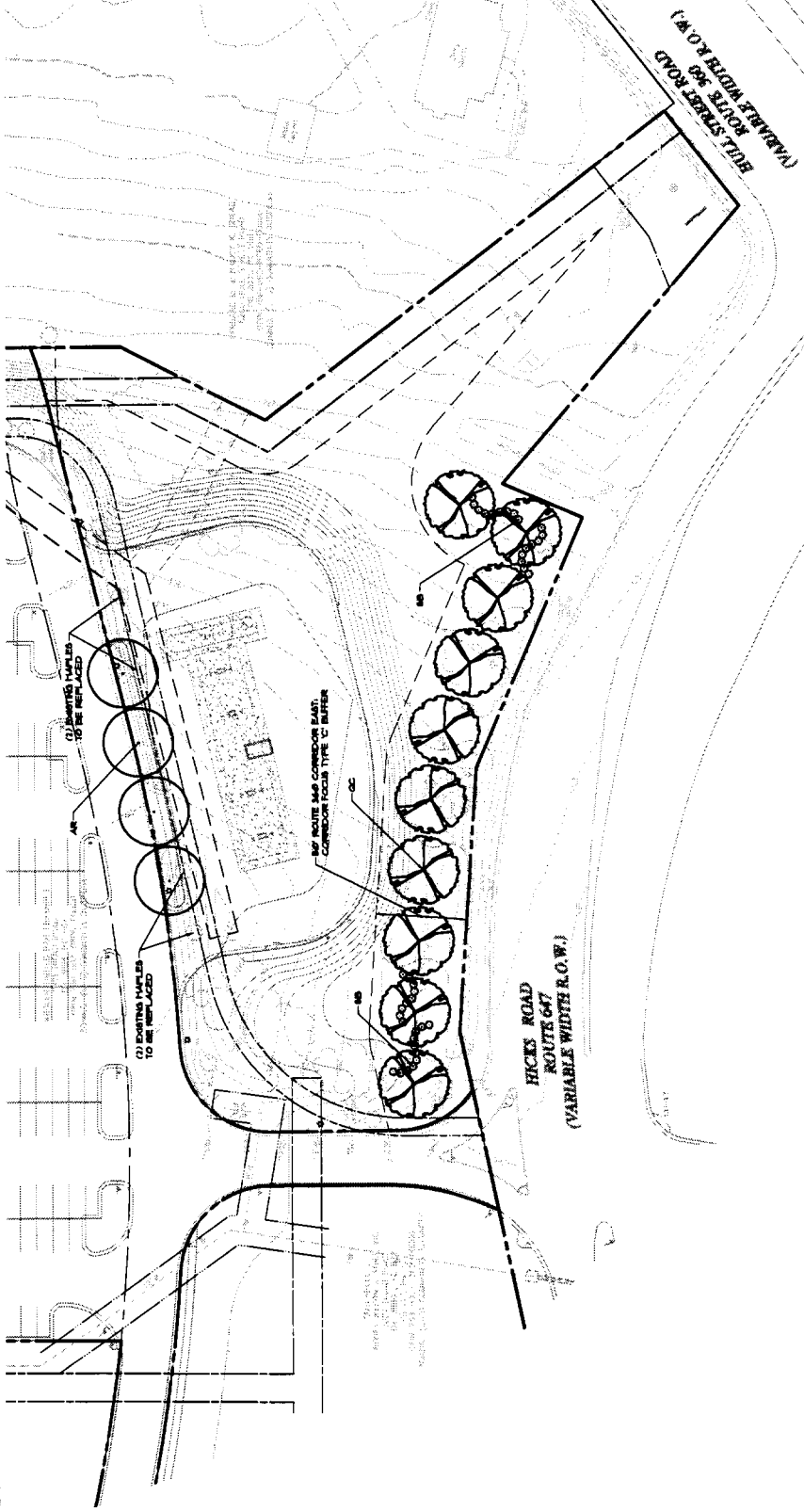
Kroger R-501 Fuel Center
 8268 Hall Street Road
 Chesterfield County, Virginia
 Chester Hill Magisterial District
 County Review

Not Approved for Construction

Landscape Plan



3/10/01 L.A. 001



PLANT MAINTENANCE NOTES

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE VARIOUS PLANTING SCHEDULES AND SPECIFICATIONS FOR THE PROJECT.
2. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE VARIOUS PLANTING SCHEDULES AND SPECIFICATIONS FOR THE PROJECT.
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10. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE VARIOUS PLANTING SCHEDULES AND SPECIFICATIONS FOR THE PROJECT.

Plant Symbol Legend

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- PLANTING
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Landscape Calculation Summary Chart

NO.	DATE	BY	REVISION
1	10/10/00	WLB	ISSUED FOR PERMIT
2	10/10/00	WLB	REVISED TO ADD PLANTING
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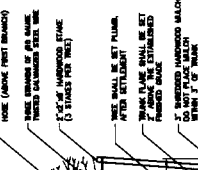
Plant List

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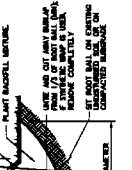
GENERAL LANDSCAPE NOTES

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE VARIOUS PLANTING SCHEDULES AND SPECIFICATIONS FOR THE PROJECT.
2. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE VARIOUS PLANTING SCHEDULES AND SPECIFICATIONS FOR THE PROJECT.
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10. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE VARIOUS PLANTING SCHEDULES AND SPECIFICATIONS FOR THE PROJECT.

Tree Planting (For Trees Under 4" Caliper)



Shrub Planting



Tree Planting (For Trees Under 4" Caliper)

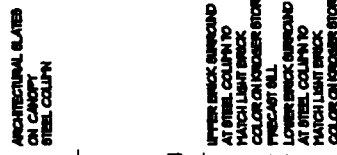
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06PR0343-5

SCALE 100 = 100



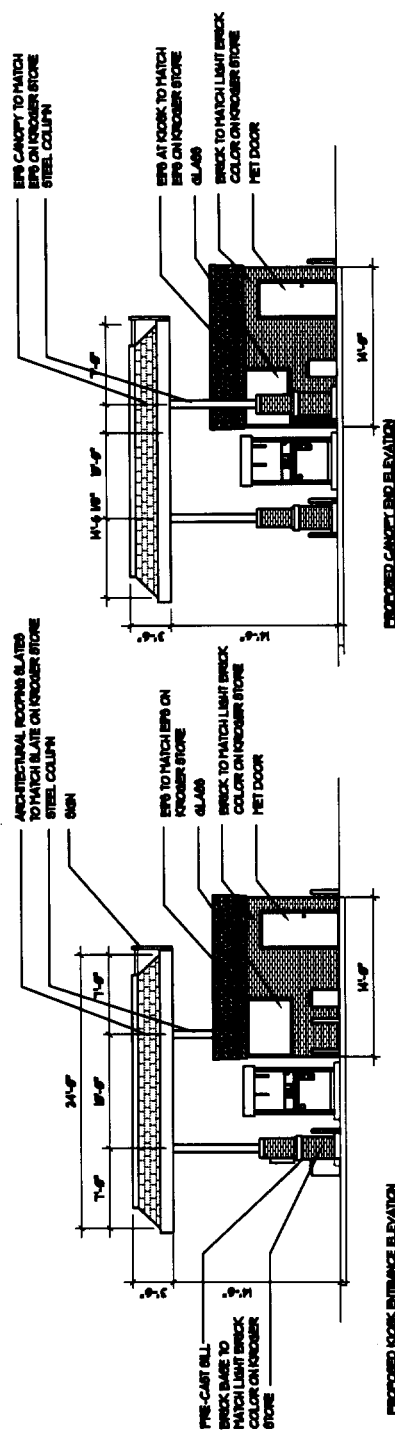
DATE - 01-11-2011



SHEET:

06PRO363-7

ask + listen + create



PROPOSED SIDE ELEVATIONS

SCALE: 1/8" = 1'-0"

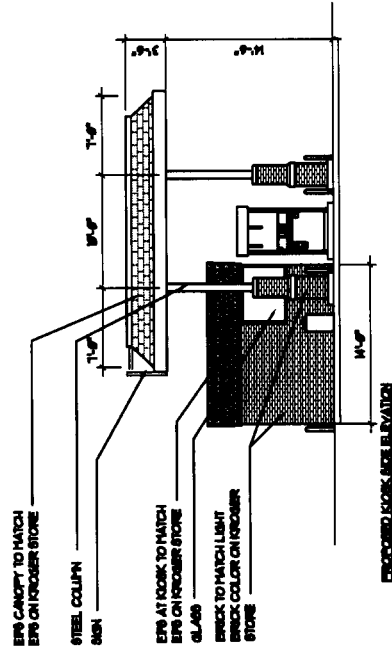
Baskervill	OWNER:	KROGER	DATE:	06/01/06
	PROJECT NAME:	R501 FUEL CENTER	ISSUE NO:	A-1
	DESCRIPTION:	ELEVATIONS	SHEET:	2
	JOB NO:	2060238	SCALE:	1/16" = 1'-0"

DATE: 06/10/06

ISSUE NO: A-1

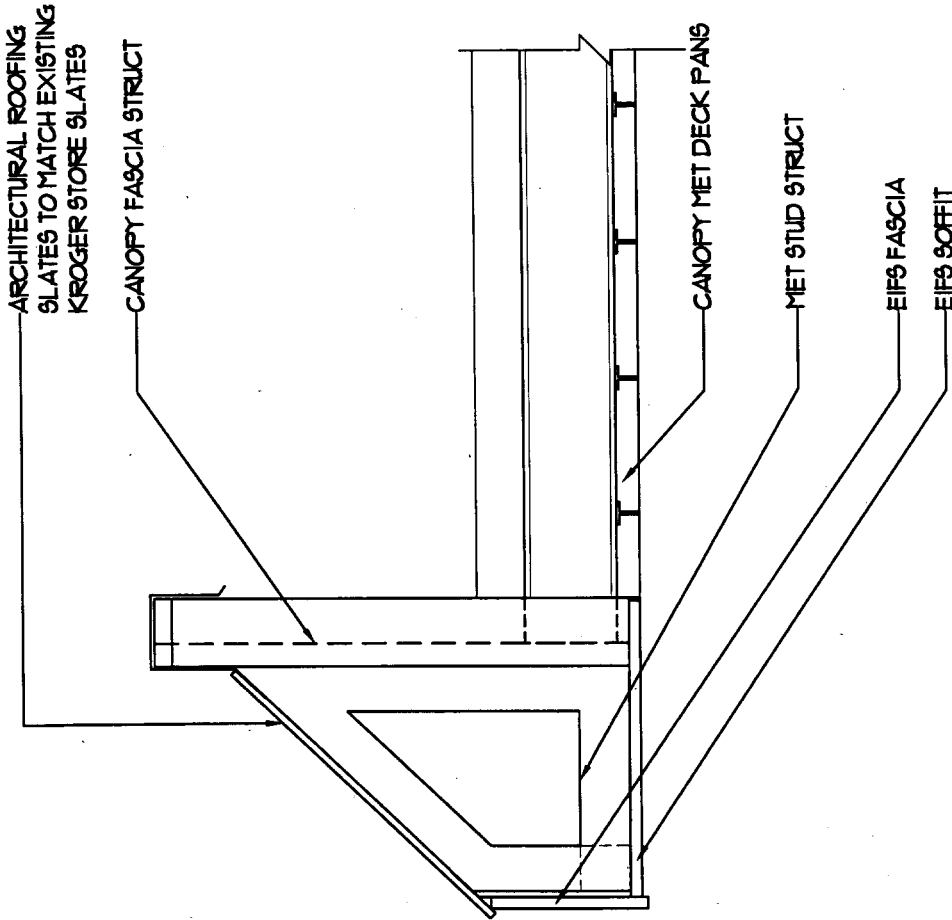
SHEET: 3

KROGER
R501 FUEL CENTER
ELEVATIONS
2060230 DWG REF: SCALE: 1/16" = 1' - 0"



PROPOSED SIDE ELEVATIONS

SCALE 100-150



5A

CANOPY DETAIL

0 6' 1'-0' 2'-0' 4'-0'

SCALE: 3/4" = 1'-0"

A-201

Baskervill	OWNER:	KROGER	DATE:	06/01/06
	PROJECT NAME:	R501 FUEL CENTER	ISSUE NO:	A-1
	DESCRIPTION:	ELEVATIONS	SHEET:	4
	JOB NO:	2060238	SCALE:	1/16" = 1'-0"

~~January 21, 1997 CPC~~
~~February 18, 1997 CPC~~
~~March 18, 1997 CPC~~
April 23, 1997 BS

REQUEST ANALYSIS
AND
RECOMMENDATION

96SN0228

Development Options, Inc.
and
Boney Wilson & Sons, Inc.

Clover Hill Magisterial District
Northeast Quadrant of Hull Street and Hicks Roads

REQUEST: Rezoning from Agricultural (A) to Community Business (C-3).

PROPOSED LAND USE:

Commercial uses are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON
PAGES 2 THROUGH 6.

STAFF RECOMMENDATION

Recommend approval subject to the applicants addressing the transportation concerns outlined herein. This recommendation is made for the following reasons:

- A. The proposed zoning and land uses conform to the Route 360 Corridor Plan which suggests the request property is appropriate for community mixed uses including shopping centers, other commercial establishments and office uses.
- B. The request property is located in the Route 360 Corridor Focus area, as designated in the Route 360 Corridor Design Guidelines. The Corridor Focus is identified as an opportunity site suited for a unified development scheme, to include commercial uses, that features a community/corridor focus. The development standards of the Zoning Ordinance for the Route 360 Corridor Design Guidelines ensure that uses on the request property develop in a manner that implements the goals of the Guidelines.

- C. The applicants have failed to address the need for providing access to adjacent property in accordance with the Route 360 Corridor Plan, as outlined in the Transportation Section of this "Request Analysis."

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNERS MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The property owners and applicant (the "Developer") in this rezoning case, pursuant to §15.1-491.2:1 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Map Parcels 39-11-(1)-30, 39-11-(1)-33 part, 39-11-(1)-34 part, 39-11-(1)-35, 39-11-(1)-32, and 39-11-(1)-31 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-3 is granted. In the event the rezoning request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the rezoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

The application contains two exhibits described as follows:

Exhibit A - Site Plan entitled "Hannaford Food & Drug Superstore, Hull Street Road: Issued for Rezoning" as prepared by VHB dated November 28, 1995 and last revised March 7, 1997.

Exhibit B - Elevations titled "Proposed Building Facade, Hannaford Supermarket and Retail Shops, Hicks Road, Chesterfield County, Virginia."

- | | | |
|-------------|----|--|
| (STAFF/CPC) | 1. | Public water and wastewater systems shall be used. |
| (STAFF/CPC) | 2. | Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. |
| (STAFF/CPC) | 3. | Any facilities required for water quantity or quality control located within any setbacks along public rights-of-way shall be designed as |

wet ponds and shall be landscaped or otherwise improved so that the facilities become visual enhancements to and amenities for uses developed on the Property. At the time of site plan review, a plan depicting these requirements shall be submitted to the Planning Department for review and approval.

- (STAFF/CPC) 4. Prior to any site plan approval, a sixty (60) foot wide right-of-way for the Collector Road, from Hicks Road to the northern Property line, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The location of the Collector Road shall be generally as shown on Exhibit A, subject to minor adjustments as necessary to meet VDOT road design standards as approved by the County Transportation Department.
- (STAFF/CPC) 5. No direct access shall be provided from the Property to Route 360.
- (STAFF/CPC) 6. Direct access from the Property to Hicks Road shall be limited to one (1) entrance/exit located approximately midway between Route 360 and the Lockhart Road intersection. This access shall be limited to right turns in and right turns out only. The exact location and design of this access shall be approved by the County Transportation Department.
- (STAFF/CPC) 7. To provide an adequate roadway system at time of complete development, the Developer shall be responsible for the following. If any of the improvements are provided by others then the specific requirement shall be deemed satisfied.
- a. Construction of two (2) lanes of the Collector Road from Hicks Road to the northern Property line;
 - b. Construction of a four (4) lane typical section [i.e., one (1) northbound lane and three (3) southbound lanes] for the Collector Road at its intersection with Hicks Road;
 - c. Construction of additional pavement along Hicks Road at the Collector Road intersection to provide left and right turns;
 - d. Construction of additional pavement along Hicks Road at the approved direct access to provide a right turn lane;
 - e. Full cost of traffic signalization at the Collector Road/Lockhart Road/Hicks Road intersection, if warranted;

[NOTE: It is the County's policy to have development pay the cost of traffic signalization, if warranted, based on Transportation Department Standards. If the traffic signal is warranted by traffic along Hicks Road and site generated traffic from development on the Property, the Developer will pay the full cost for such traffic signal installation.]

- f. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above.

(STAFF/CPC) 8. Prior to any site plan approval a phasing plan for required road improvements, as identified in Proffer 7, shall be submitted to and approved by the County Transportation Department.

(STAFF/CPC) 9. The uses on the Property shall be those permitted by-right and those permitted with restrictions in the C-3 District except that the following uses shall not be permitted:

- A. Business schools.
- B. Cocktail lounges, dining halls and nightclubs, but not including sit-down restaurants or cafeterias.

[NOTE: The purpose of this proffer is to restrict uses which primarily sell on-premises alcoholic beverages; however, restaurants with accessory sale of alcoholic beverages is not intended to be included in this restriction.]

- C. Hotels.
- D. Any establishment having a substantial or significant portion of its practice performing abortions.
- E. Funeral homes or mortuaries.
- F. Group care facilities.
- G. Occult sciences, such as palm readers, astrologers, fortune tellers, tea leaf readers, prophets, etc.
- H. Pawn shops.

(STAFF/CPC) 10. Prior to or in conjunction with final site plan review, restrictive covenants shall be recorded which will include that the architectural treatment of the buildings shall be reviewed by an architectural review committee composed of representatives of the Developer and a person appointed by the Route 360 Corridor Committee and that the architectural treatments, colors and materials of the in-line retail space shall generally be as shown on Exhibit B.

(STAFF/CPC)

11. The Owner/Developer shall be responsible for notifying, in writing, of the submission of site plans to the following: (i) the last known contact/representative on file with the County Planning Department of the Route 360 Corridor Committee; and (ii) the last known president or representative on file with the County Planning Department for the civic associations of Surreywood, Bexley, Longwood Acres and Forestdale. Such notification shall occur no later than twenty-one (21) days prior to approval or disapproval of the plan. The Owner/Developer shall provide a copy of the notification letter to the Planning Department.

(CPC)

12. A cross access easement acceptable to the Transportation Department across the Property from the eastern boundary of the Property [adjacent to Parcel 3 on Tax Map 39-12 (1), the "Snead" parcel] to the Collector Road shall be recorded upon the execution of a reciprocal cross access easement agreement for vehicular and pedestrian access over and across the adjacent properties to the east (including the Snead parcel) to Route 360 at a location acceptable to the Transportation Department.

(STAFF/CPC)

13. Site plans shall be submitted to the Planning Commission for review and approval.

(STAFF/CPC)

14. The loading docks for any tractor-trailers shall be located so as to minimize their impact on residential properties located to the west and northwest (i.e. properties along Dowd Lane and in Foxberry Subdivision). If the Property is developed generally as shown on Exhibit A, the loading docks for the tractor-trailers shall be in the area so labeled on Exhibit A. If the Property is not developed as generally shown on Exhibit A, the location of loading docks for any tractor-trailers shall be approved at the time of site plan review and approval.

(STAFF/CPC)

15. Except as stated herein, no uses shall be open to the public between the hours of 12 midnight and 6 a.m.

Hannaford Brothers may be open to the public 24 hours a day subject to the following limitations:

- a. If the Hannaford Brothers store is ever sold or leased to another business not owned by Hannaford Brothers or a new use replaces the Hannaford Brothers store then the right to 24-hour operations

- (open to the public) shall cease and revert to the public hours of 6 a.m. to 12 midnight.
- b. If Hannaford Brothers desires to be open to the public 24-hours-a-day, they shall notify, in writing, the last known representative/contact of the 360 Corridor Committee on file with the Planning Department at least 7 days prior to commencing 24-hour operations. Hannaford Brothers shall provide a copy of the notification letter to the Planning Department.

GENERAL INFORMATION

Location:

Northeast quadrant of Hull Street and Hicks Roads. Tax Map 39-11 (1) Parcels 30 ,31, 32 and 35 and Part of Parcels 33 and 34 (Sheet 14).

Existing Zoning:

A

Size:

17.5 acres

Existing Land Use:

Single family residential or vacant

Adjacent Zoning & Land Use:

North - A; Single family residential or vacant
South - A; C-2 with Conditional Use Planned Development and C-3; Single family residential, commercial, public/semi-public (church) or vacant
East - A; Single family residential or vacant
West - A; Single family residential

UTILITIES

Public Water System:

There is an existing eight (8) inch water line along the south side of Hicks Road, adjacent to the request site. There is an existing twenty-four (24) inch water line along the north side of Hull Street Road, adjacent to the request site. Use of the public water system is intended and has been proffered by the applicants. (Proffered Condition 1)

Public Wastewater System:

There is an existing thirty-three (33) inch wastewater trunk line along Falling Creek, approximately 1,600 feet northeast of the request site. Use of the public wastewater system is intended and has been proffered by the Applicants. (Proffered Condition 1)

ENVIRONMENTAL

Drainage and Erosion:

Property drains northeast to Pocoshock Creek. No existing or anticipated on- or off-site drainage or erosion problems. Off-site easements and drainage improvements may be required to accommodate increased runoff from development of the request property.

The applicants have agreed not to timber the request property until a land disturbance permit has been obtained and the approved erosion control devices have been installed. (Proffered Condition 2)

PUBLIC FACILITIES

Fire Service:

This property is currently served by the Manchester Fire/Rescue Station, Company Number 2, and by Manchester Rescue Squad.

Fire hydrants, with adequate water flow must be provided in compliance with nationally recognized standards (i.e. National Fire Protection Association and Insurance Services Office). When the property is developed, the number of hydrants and quantity of water needed for fire protection will be evaluated during the site and construction plans review processes. Also, the need for ingress/egress for emergency equipment and designation of fire lanes will be determined during the review of the aforementioned plans.

Transportation:

This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate approximately 10,030 average daily trips. These vehicles will be distributed along Hicks Road which had a 1996 traffic count of 10,516 vehicles per day, and Hull Street Road (Route 360) which had a 1995 traffic count of 32,335 vehicles per day.

As amended by the Route 360 Corridor Plan, the Thoroughfare Plan identifies a collector ("Collector Road") extending from Hicks Road at its intersection with Lockhardt Road through the subject property to intersect with Route 360, just west of Pocoshock Creek. A sixty (60) foot wide right-of-way is recommended for this Collector Road. The applicants have proffered to dedicate sixty (60) feet of right-of-way for the Collector Road in accordance with that Plan. (Proffered Condition 4)

Development must adhere to the Zoning Ordinance relative to access and internal circulation (Article 7). Access to major arterials, such as Route 360 and Hicks Road, should be controlled. The applicants have proffered that no direct access will be provided from the property to Route 360 (Proffered Condition 5), and direct access to Hicks Road will be limited to one (1) entrance/exit located approximately midway between Route 360 and the Lockhardt Road/Collector Road intersection (Proffered Condition 6). This direct access to Hicks Road will be limited to right turns in and right turns out only. It is anticipated that turning movements will be controlled by construction of a raised median along Hicks Road and installation of a raised island within this access. Additional access for the property to Hicks Road will be provided via the Collector Road.

Mitigating road improvements must be provided to address the traffic impact of this development. The applicants have proffered to: 1) construct two (2) lanes of the Collector Road from Hicks Road to the northern property line; 2) construct a four (4) lane typical section for the Collector Road at its intersection with Hicks Road; 3) construct left and right turn lanes along Hicks Road at its intersection with the Collector Road; 4) construct a right turn lane along Hicks Road at the approved direct access; and 5) provide full cost of traffic signalization, if warranted, at the Lockhardt Road/Collector Road/Hicks Road intersection (Proffered Condition 7). Constructing these road improvements may require acquisition of off-site right-of-way.

The adjacent property to the east (Snead parcel), located in the northeast corner of the Hicks Road/Route 360 intersection, has road frontage only along Route 360. However, due to its limited frontage and proximity to the Hicks Road/Route 360 intersection, adequate separation from that intersection cannot be provided to permit direct access to Route 360 to serve future development on the Snead parcel. In addition, in accordance with the adopted Route 360 Corridor Plan interconnecting driveways between development on the subject property and development on the Snead parcel would allow travel between

sites without necessitating travel on Route 360 or Hicks Road. Therefore, access for the Snead parcel should be provided through the subject property to Hicks Road. The applicants have proffered to provide an access easement across the subject property only at such time as an access easement is provided across the adjacent properties to the east (including the Snead parcel) to Route 360 (Proffered Condition 12). This proffer should be modified. An access easement should be provided across the subject property to serve development of the Snead parcel regardless of whether an access easement is provided for the subject property to Route 360. Without modification of Proffered Condition 12 regarding an access easement to the Snead parcel, staff can not support this request.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Route 360 Corridor Plan which suggests the request property is appropriate for community mixed use development. In particular, the Plan notes that, with the exception of multi-family or townhouse uses, the request property is appropriate for C-3 type uses if development occurs in a manner that is consistent with the site layout and design concepts contained in the Route 360 Corridor Design Guidelines.

Area Development Trends:

Area development is characterized by a mix of commercial and agricultural zoning and land uses along the Route 360 Corridor. Area development north and south of the corridor is characterized by residential zoning and land uses. The Route 360 Corridor Plan anticipates construction of a loop road between Hicks and Hull Street Roads to serve the area located in this quadrant. The Plan suggests that property south of the loop road be developed for community mixed uses (C-3 type uses) and property north of the loop road be developed for mixed uses to include residential developments, corporate office uses to include office/warehouse and public facilities. This proposal is anticipated to be the first phase of an ultimate development which incorporates the mixture of uses suggested as appropriate by the Plan.

Site Design:

A conceptual site plan has been submitted with the application. This plan depicts one (1) of a number of designs that could conform to the Route 360 Design Guidelines. The final design must locate the Proposed Loop Road such that ultimately uses and buildings can front the road. The applicants have proffered to restrict the uses on the property. (Proffered Condition 9)

Hours of Operations:

The applicants have proffered to restrict the hours of operation for uses other than a Hannaford Brothers store to between the hours of midnight and 6:00 a.m. (Proffered Condition 15). With respect to the space occupied by the Hannaford Brothers store, the applicants have proffered that if this space is sold or leased to another business not owned by Hannaford Brothers or a new use replaces this use, then the hours of operations would be restricted as for other uses. (Proffered Condition 15)

The request property lies within the Hull Street Road Emerging Growth Area and is also located along that portion of Hull Street Road subject to the requirements of the Route 360 Corridor Design Guidelines (Corridor Focus Zone). New construction must conform to the applicable development standards which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities, and screening of dumpsters and loading areas. Primary access will be provided via a planned collector road intersecting Hicks Road and ultimately looping back to Hull Street Road, east of the request property, as future development occurs. The applicants have proffered that any retention/detention facilities located within setbacks along public rights of way will be designed and installed as amenities. (Proffered Condition 3)

Within the Corridor Focus Zone, special development standards, as outlined in the Corridor Design Guidelines, would apply to any development on the request property and surrounding area to the north and east. These standards require special landscaping and street trees and suggest that sidewalks, street lights and other design features should be utilized to increase aesthetic and pedestrian appeal and facilitate pedestrian and vehicular movements between uses. Specifically, the Guidelines recognize that the request property and surrounding area to the north and east present a unique opportunity to cluster projected retail and other uses in response to an overall plan which incorporates existing and proposed streets, roads, and driveways into a grid of circulation that will interconnect sites with adjacent neighborhoods and developments. Other features which should be incorporated to provide physical and visual continuity throughout the zone are: sidewalks; street trees; street lights; and park-like spaces along Hull Street Road which are designed to accommodate severe changes in topography and incorporate setbacks and storm water facilities; uniquely designed out parcel sites and buildings; and multiple smaller parking areas defined and/or segregated by buildings or large scale street trees.

The key required conditions mandate that if a library or other public facility is located within the development, the uses must be located adjacent to or within 300 feet of a public and semi-public space and be connected to the space by a sidewalk. The public or semi-public space must be at least one-half (1/2) an acre and be designated through the recordation of an open space easement for public and semi-public uses such as area civic association events, special commercial events or cultural activities. The space must be

designed as a usable "hardscaped" plaza area and buildings must front the sidewalk and plaza areas.

Buildings or groups of buildings must be designed such that vehicular and pedestrian access is provided between the buildings or groups of buildings similar to city blocks. The design must facilitate pedestrian and vehicular access between uses oriented toward the Proposed Loop Road and the uses oriented toward Route 360. Buildings must be designed to front along vehicular/pedestrian access features with entrances, display windows and/or other features to encourage pedestrian activity.

The development must be designed such that buildings front and have entrances toward the Proposed Loop Road and back up to buildings oriented toward Route 360 resulting in loading service court areas being created between the buildings.

At the northeast corner of the intersection of Hicks Road and Route 360, an architecturally significant building must be constructed. This building must either incorporate, or have adjacent to it, a bell or clock tower which has a height of at least fifty (50) feet, or the site plan shall provide for dedication of space for construction of a minimum fifty (50) foot clock or bell tower by others. Such element must be located within twenty-five (25) feet of Hull Street Road. There can be no signs on the tower or vertical element.

At the time of site plan review for any development on the request property, consideration must be given to how these requirements, as they apply to this site, would be accomplished.

The applicants have proffered to notify the last known representatives of the Route 360 Corridor Committee and the Surreywood, Bexley, Longwood Acres and Forestdale civic associations at least twenty-one (21) days prior to the approval for each site (Proffered Condition 11). Further, the applicants have proffered that site plans would be submitted to the Planning Commission for approval. (Proffered Condition 13)

Architectural Treatment:

Within Emerging Growth Areas, no building exterior which would be visible to any agricultural district or any public right of way may consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. There is, however, nothing to preclude the use of different materials on different building exteriors, but rather, the use of inferior materials on sides which face adjoining property. No portion of a building constructed of unadorned concrete block or corrugated and/or sheet metal may be visible from any adjoining agricultural district or any public right of way. No building exterior may be constructed of unpainted concrete block or corrugated and/or sheet metal. Mechanical equipment, whether ground-level or rooftop, must be

shielded and screened from public view and designed to be perceived as an integral part of the building.

In addition, the Route 360 Corridor (Corridor Focus) standards require that the architectural treatment of buildings, including materials, color and style, be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the Director of Planning. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features. At time of site plan review, staff will require that the architectural treatment including materials, color and style be compatible with Crosspointe Marketplace Shopping Center.

Restrictive Covenants:

The applicants have proffered that restrictive covenants would be recorded requiring that the architectural treatment of buildings be reviewed by an architectural review committee composed of representatives of the developers and one (1) representative of the Route 360 Corridor Committee and that the architectural treatment, colors and materials of the in-line retail space shall generally be as shown on Exhibit B (Proffered Condition 10). It should be noted that the County will not be responsible for enforcement of the restrictive covenants, only that they be recorded. Once recorded, the covenants can be changed.

Buffers & Screening:

The Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) be screened from view of adjacent property and public rights of way by a solid fence, wall, dense evergreen plantings or architectural feature, be separated from any residentially zoned property or any property being used for residential purposes by the principal building, and that such area within 1,000 feet of any residentially zoned property or property used for residential purposes not be serviced between the hours of 9:00 p.m. and 6:00 a.m. In addition, sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and from public rights of way.

With the approval of this request, outside storage would be permitted as a restricted use. Outside storage areas must be screened from view of adjacent properties which have no such areas and public rights of way.

As noted herein, within the Corridor Focus Zone buildings must be designed and oriented so that loading areas can ultimately be contained within service court areas. This must be accomplished by orienting buildings towards the Proposed Loop Road and backing them up to buildings fronting Hull Street Road, thereby creating a service court between the buildings.

The applicants have proffered that if the property is developed generally as shown on Exhibit A, the loading docks for tractor trailers would be located on the eastern side of the building as depicted in Exhibit A. If the property is not developed as generally shown on Exhibit A, then the location of tractor trailer loading docks would be determined at the time of site plan review. (Proffered Condition 14)

CONCLUSION

The proposed zoning and land uses conform to the Route 360 Corridor Plan which suggests the request property is appropriate for community mixed uses. In addition, the request property is located in the Route 360 Corridor Focus Area, as designated in the Route 360 Corridor Design Guidelines. The Corridor Focus is identified as an opportunity site suited for a unified development scheme that features a community/corridor focus. The Zoning Ordinance which incorporates the recently adopted Route 360 Corridor Design Guidelines ensure that uses on the request property and in the surrounding area develop in a manner that is compatible with the goals of the Guidelines.

However, as noted herein, the applicants have failed to address Transportation Department concerns relative to the need for providing access to a adjacent property in accordance with the Route 360 Corridor Plan. Therefore, approval of this request would only be appropriate subject to this concern being addressed.

CASE HISTORY

Planning Commission Meeting (1/21/97):

At the request of the applicants, the Commission deferred this case to February 18, 1997.

Applicants and Staff (1/22/97):

The applicants were advised in writing that any significant new or revised information should be submitted no later than January 27, 1997, for consideration in the Commission's February 18, 1997, public hearing. The applicants paid the \$50.00 deferral fee.

Staff (1/29/97):

A meeting with the applicants and area residents was scheduled for February 4, 1997.

Applicants (1/30/97):

The applicants submitted revised proffered conditions.

Applicants, Area residents, the Clover Hill District Planning Commissioner and Staff (2/4/97):

A meeting was held to discuss the proposal. Concerns were raised relative to traffic impacts, architectural treatment, hours of operation, uses, location and screening of loading areas, site lighting and landscaping.

Applicants (2/13/97):

The applicants submitted revised proffered conditions.

Planning Commission Meeting (2/18/97):

At the request of applicants, the Commission deferred this case to March 18, 1997. The deferral fee has been paid.

Staff (2/19/97):

The applicants were advised in writing that any significant new or revised information should be submitted no later than February 24, 1997, for consideration at the Commission's March 18, 1997, public hearing.

Applicants, Clover Hill District Planning Commissioner and Staff (3/6/97):

A meeting was held to discuss revised proffered conditions.

Applicants (3/7/97):

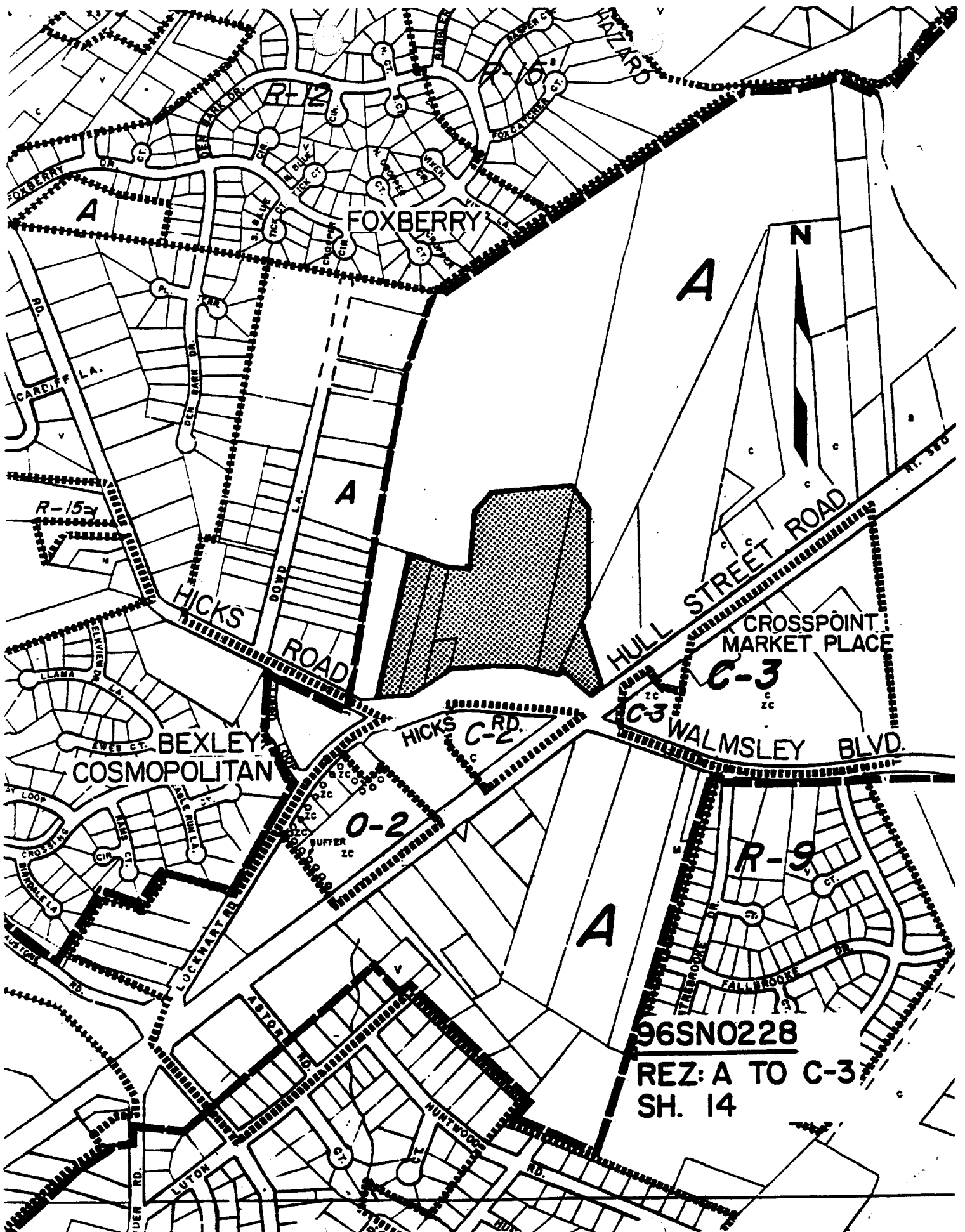
The applicants submitted revised proffered conditions, as discussed herein.

Planning Commission Meeting (3/18/97):

The applicant accepted the Planning Commission's recommendation. There was no opposition present. There were two (2) people present in support of the request.

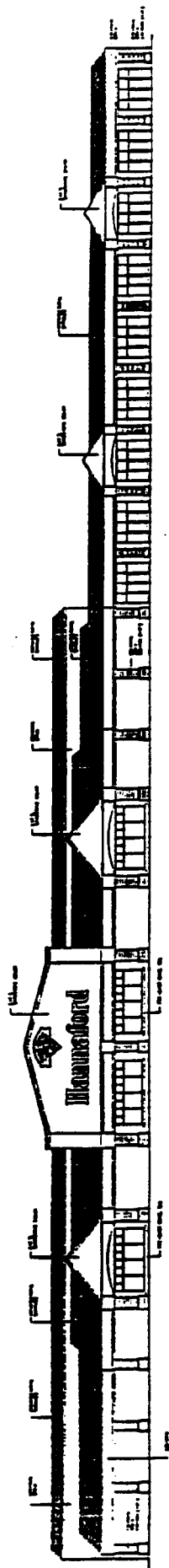
On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 through 6.

The Board of Supervisors, on Wednesday, April 23, 1997, beginning at 7:00 p.m., will take under consideration this request.



96SN0228

REZ: A TO C-3
SH. 14



PROPOSED BUILDING FACADE
 HANNAFORD SUPERMARKET AND RETAIL SHOPS
 EXHIBIT B

3. BUFFERS

A 100 foot buffer shall be provided adjacent to the residential lots located along the boundary of the Property adjacent to Tax Map 118-6 (1) Parcels 2 and 3 and adjacent to Tax Map 118-10 (9) Lots 5 and 6 as shown on the Master Plan. The only permitted uses in the buffer shall be landscaping, signs, fencing and utilities which run generally perpendicular through the buffer. Landscaping within the buffer shall conform to the requirements of the Ordinance for a 50 foot buffer.

4. SEVERANCE

The unenforceability, illegality, elimination, revision or amendment of any condition set forth herein, in whole or in part, shall not affect the validity or enforceability of the other conditions or the unaffected part of any such condition.

Vote: Unanimous

96SN0228

In Clover Hill Magisterial District, DEVELOPMENT OPTIONS, INC. AND BONEY WILSON & SONS, INC. requested rezoning from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 17.5 acres fronting approximately 1,150 feet on the northeast line of Hicks Road, also fronting approximately 75 feet on the north line of Hull Street Road and located in the northeast quadrant of the intersection of these roads. Tax Map 39-11 (1) Parcels 30, 31, 32 and 35 and Parts of Parcels 33 and 34 (Sheet 14).

Mr. Jacobson presented a summary of Case 96SN0228 and stated that the Planning Commission recommends approval and acceptance of the proffered conditions. He noted that staff had recommended approval subject to the applicant proffering the typical cross access condition. He noted the request conforms to the Route 360 Corridor Plan.

John Cogbill, Esquire, representing the applicant, stated that this request has been in the works for approximately two years and displayed a copy of the design of the development and an overlay of the development plan. He further stated that the only issue remaining to be addressed is the cross access and noted that the applicants are willing to provide this access. He stated that the applicants are willing to pay 100 percent of the cost for many transportation and utility improves, but were not willing to dedicate the cross access easement until they know the location of the entrance that would come onto the property from Route 360 or the exact uses on the adjoining property. He further stated that the applicants have asked to provide the cross access once they knew more details about the adjacent development. He stated that the Planning Commission unanimously voted to approve this request and entered and read into the record a letter from Mr. Alan Barnes, Chairman of the 360 Corridor Committee, expressing his support of the request. He stated that the recommendation is acceptable and requested the Board's favorable consideration of the request. There was no opposition present.

Mr. Warren expressed appreciation to the applicant and to Mr. Cogbill for their efforts in this development process. He stated that he was instrumental in helping to organize the 360 Corridor Committee and attended many of their meetings. He further stated that he attended the Bexley annual meeting at which time the citizens showed their support of this concept. He stated the Planning Commission has done an excellent job in addressing the issues surrounding this request.

Mr. Warren then made a motion, seconded by Mr. Daniel, for the Board to approve Case 97SN0228 and accept the proffered conditions.

Mr. Daniel stated that this request is a great demonstration of people in government and the business community working together. He further stated that this request does have a shared cross access requirement that will also be discussed in some later zoning requests.

When asked, Mr. McCracken stated that the only difference between the acceptable language in the Proffered Conditions and the standard language in which County staff is requesting is the applicants proffer will not provide the easement until an adjacent property owner agrees to reciprocate on their property.

Mr. Warren stated that Proffered Condition #12 addresses the issues that cannot be fully addressed at this time.

There was brief discussion relative to the process in determining the location of the cross access.

Mrs. Humphrey welcomed Hannafords to Chesterfield County.

Mr. Warren called for the vote on the motion made by him, seconded by Mr. Daniel, for the Board to approve Case 97SN0228 and accepted the following proffered conditions:

The property owners and applicant (the "Developer") in this rezoning case, pursuant to §15.1-491.2:1 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Map Parcels 39-11-(1)-30, 39-11-(1)-33 part, 39-11-(1)-34 part, 39-11-(1)-35, 39-11-(1)-32, and 39-11-(1)-31 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-3 is granted. In the event the rezoning request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the rezoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

The application contains two exhibits described as follows:

- Exhibit A - Site Plan entitled "Hannaford Food & Drug Superstore, Hull Street Road: Issued for Rezoning" as prepared by VHB dated November 28, 1995 and last revised March 7, 1997.
- Exhibit B - Elevations titled "Proposed Building Facade, Hannaford Supermarket and Retail Shops, Hicks Road, Chesterfield County, Virginia."

1. Public water and wastewater systems shall be used.

2. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed.
3. Any facilities required for water quantity or quality control located within any setbacks along public rights-of-way shall be designed as wet ponds and shall be landscaped or otherwise improved so that the facilities become visual enhancements to and amenities for uses developed on the Property. At the time of site plan review, a plan depicting these requirements shall be submitted to the Planning Department for review and approval.
4. Prior to any site plan approval, a sixty (60) foot wide right-of-way for the Collector Road, from Hicks Road to the northern Property line, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The location of the Collector Road shall be generally as shown on Exhibit A, subject to minor adjustments as necessary to meet VDOT road design standards as approved by the County Transportation Department.
5. No direct access shall be provided from the Property to Route 360.
6. Direct access from the Property to Hicks Road shall be limited to one (1) entrance/exit located approximately midway between Route 360 and the Lockhart Road intersection. This access shall be limited to right turns in and right turns out only. The exact location and design of this access shall be approved by the County Transportation Department.
7. To provide an adequate roadway system at time of complete development, the Developer shall be responsible for the following. If any of the improvements are provided by others then the specific requirement shall be deemed satisfied.
 - a. Construction of two (2) lanes of the Collector Road from Hicks Road to the northern Property line;
 - b. Construction of a four (4) lane typical section [i.e., one (1) northbound lane and three (3) southbound lanes] for the Collector Road at its intersection with Hicks Road;
 - c. Construction of additional pavement along Hicks Road at the Collector Road intersection to provide left and right turns;
 - d. Construction of additional pavement along Hicks Road at the approved direct access to provide a right turn lane;
 - e. Full cost of traffic signalization at the Collector Road/Lockhart Road/Hicks Road intersection, if warranted;

[NOTE: It is the County's policy to have development pay the cost of traffic signalization, if warranted, based on Transportation Department Standards. If the traffic signal is warranted by traffic along Hicks Road and site generated traffic from development on the Property, the Developer will

pay the full cost for such traffic signal installation.]

- f. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above.
- 8. Prior to any site plan approval a phasing plan for required road improvements, as identified in Proffer 7, shall be submitted to and approved by the County Transportation Department.
- 9. The uses on the Property shall be those permitted by-right and those permitted with restrictions in the C-3 District except that the following uses shall not be permitted:
 - A. Business schools.
 - B. Cocktail lounges, dining halls and nightclubs, but not including sit-down restaurants or cafeterias.
[NOTE: The purpose of this proffer is to restrict uses which primarily sell on-premises alcoholic beverages; however, restaurants with accessory sale of alcoholic beverages is not intended to be included in this restriction.]
 - C. Hotels.
 - D. Any establishment having a substantial or significant portion of its practice performing abortions.
 - E. Funeral homes or mortuaries.
 - F. Group care facilities.
 - G. Occult sciences, such as palm readers, astrologers, fortune tellers, tea leaf readers, prophets, etc.
 - H. Pawn shops.
- 10. Prior to or in conjunction with final site plan review, restrictive covenants shall be recorded which will include that the architectural treatment of the buildings shall be reviewed by an architectural review committee composed of representatives of the Developer and a person appointed by the Route 360 Corridor Committee and that the architectural treatments, colors and materials of the in-line retail space shall generally be as shown on Exhibit B.
- 11. The Owner/Developer shall be responsible for notifying, in writing, of the submission of site plans to the following: (i) the last known contact/representative on file with the County Planning Department of the Route 360 Corridor Committee; and (ii) the last known president or representative on file with the County Planning Department for the civic associations of Surreywood, Bexley, Longwood Acres and Forestdale. Such notification shall occur no later than twenty-one (21) days prior to approval or disapproval of the plan. The Owner/Developer shall provide a copy of the notification letter to the Planning Department.
- 12. A cross access easement acceptable to the Transportation Department across the Property from the eastern boundary of the Property [adjacent to Parcel 3 on Tax Map 39-12 (1), the "Snead" parcel] to the Collector Road shall be recorded upon the execution of a reciprocal cross access easement agreement for vehicular and pedestrian access over and across the adjacent properties to the east (including the Snead parcel) to Route 360 at a location acceptable to the Transportation Department.

13. Site plans shall be submitted to the Planning Commission for review and approval.
14. The loading docks for any tractor-trailers shall be located so as to minimize their impact on residential properties located to the west and northwest (i.e. properties along Dowd Lane and in Foxberry Subdivision). If the Property is developed generally as shown on Exhibit A, the loading docks for the tractor-trailers shall be in the area so labeled on Exhibit A. If the Property is not developed as generally shown on Exhibit A, the location of loading docks for any tractor-trailers shall be approved at the time of site plan review and approval.
15. Except as stated herein, no uses shall be open to the public between the hours of 12 midnight and 6 a.m.

Hannaford Brothers may be open to the public 24 hours a day subject to the following limitations:

- a. If the Hannaford Brothers store is ever sold or leased to another business not owned by Hannaford Brothers or a new use replaces the Hannaford Brothers store then the right to 24-hour operations (open to the public) shall cease and revert to the public hours of 6 a.m. to 12 midnight.
- b. If Hannaford Brothers desires to be open to the public 24-hours-a-day, they shall notify, in writing, the last known representative/contact of the 360 Corridor Committee on file with the Planning Department at least 7 days prior to commencing 24-hour operations. Hannaford Brothers shall provide a copy of the notification letter to the Planning Department.

Vote: Unanimous

97SN0126 (Amended)

In Bermuda Magisterial District, ASPEN HOMES, L. L. C. requested rezoning from Agricultural (A) to Residential (R-9) of 3.2 acres plus proffered conditions on 8.0 acres currently zoned Residential (R-9). A single family residential subdivision having a minimum lot size of 9,000 gross square feet is planned. The applicant has proffered to limit development to a maximum of eleven (11) lots yielding a density of approximately .98 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 11.2 acres fronting approximately 600 feet on the north line of Osborne Road, approximately 250 feet east of Coxendale Road, also lying at the southern termini of Benhill Drive and Staten Road. Tax Map 98-14 (1) Parcel 11 and Part of Parcel 12 (Sheet 32).

Mrs. Humphrey excused herself from the meeting.

Mr. William Poole presented a summary of Case 97SN0126 and stated that staff and the Planning Commission recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Jefferson Davis Corridor Plan.

Mr. Don Balzer, representing the applicant, stated the recommendation is acceptable. There was no opposition present.

Mrs. Humphrey returned to the meeting.